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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/672,148	09/28/2000	Daniel F. Daly	8740-049	7385	
20583	590 07/01/2002				
PENNIE AND EDMONDS		EXAMINER			
	5 AVENUE OF THE AMERICAS W YORK, NY 100362711		DORVIL, RICHEMOND		
			ART UNIT	PAPER NUMBER	
			2654	2654	
			DATE MAILED: 07/01/2002	DATE MAILED: 07/01/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

X

Application No.   DALY ET AL							
## Defice Action Summary    Examiner   Richemond Dorvil   2554		Application No.	Applicant(s)				
Richemond Dorvil   2654	Office Action Summany						
The MALLING DATE of this communication appears on the cover sheet with the correspondence address— Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensive of time myle be evaluate under the previous of 3 CFR 1.13(e). In an eveal, however, may a reply be timely filed  Extensive of time myle be evaluate under the previous of 3 CFR 1.13(e). In an eveal, however, may a reply be timely filed  If the period for reply specified above is less than ability (30) steps, a reply within the statisticy minimum of thirty (30) steps will be considered timely.  If NO period for reply specified above is less than ability (30) steps, a reply within the statistic previous displayed well singles (50) (MONTHS from the milling date of this communication.  Fallow is reply which in the set or extended previole for reply will, by statuto, cause the application is become ABMADORED (50 U.S.C. 5 133).  This action is FINAL.  2b  This action is FINAL.  2b This action is round in a coordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 Claim(s) 1-29.31.32 and 34-57 is/are pending in the application.  4) Claim(s) 1-32.31.32 and 34-57 is/are pending in the application.  4) Claim(s) 1-32.31.32 and 34-57 is/are pending in the application.  5 Claim(s) 1-32.31.32 and 34-57 is/are withdrawn from consideration.  5 Claim(s) 1-32.31.32 and 34-57 is/are pending in the application.  4) The proposed drawing correction filed on 1-32.41 and	Office Action Summary	Examiner					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be writing the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filed  Extensions of timely the writing the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filed  Extensions of timely filed and the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filed  Extensions of timely filed are provisional and the provisions of 37 CFR 1.36(a).  If NO period for reply is specified above, the maximum statutory priod will exply and vall expire SIX (b) MOSTH'S from the malling date of the statutory minimum of thinty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory priod will exply and vall expire SIX (b) MOSTH'S from the malling date of this communication.  Any reply received by the Office attribute the time the more hands after the malling date of this communication, even if timely filed, may reduce any searned patient term adjustment. See 37 CFR 1.704(a).  Status  1) Separation that is application is in condition for allowance except for formal matters, prosecution as to the merits is obseed in accordance with the practice under Exp parts Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The proposed drawing correction filed on is/are is/are elected.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The proposed drawing correction filed on is/are objected to by the Examiner.  Priority	The MAILING DATE of this communication and						
THE MAILING DATE OF THIS COMMUNICATION.  Editanists of them may be available under the provision of 32 PCR 1 15(e). In no event, however, may a reply be timely filed after 50 (e) MCRT 157 from the mailing date of this communication.  It is not to the provision of the provision of the communication of the communication of the provision of the pr		ears on the cover sheet with the	correspondence address				
2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-29.31,32 and 34-57 is/are pending in the application.  4a) Of the above claim(s) is/are ellowed.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>						
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#### **DETAILED ACTION**

# Allowable Subject Matter

1. Claims 1-29, 31-32, 34-57 are allowed.

### Information Disclosure Statement

- 1. The information disclosure statement filed 3/22/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
- 2. The information disclosure statement filed 3/22/02 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.
- 3. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

#### Conclusion

4. This application is in condition for allowance except for the following formal matters:

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See Above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richemond Dorvil whose telephone number is (703) 305-9645. The examiner can normally be reached on Tuesday-Friday 9:30AM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 308-5576. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 3059508 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Richemond Dorvil Primary Examiner Art Unit 2654 Page 3

RD June 29, 2002